

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FELICIA SMITH	)	CASE NO. 1:09-CV-1761
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
vs.	)	
	)	
UNIVERSITY HOSPITALS HEALTH	)	<b><u>STIPULATED NOTICE OF DISMISSAL</u></b>
SYSTEM, INC. et al.,	)	
	)	
Defendants.	)	

Pursuant to Rule 41(a)(1), Fed. R. Civ. P., the parties stipulate that Plaintiff, Felicia Smith, may and, by this entry, does dismiss this action, without prejudice, at Defendants' cost.

The parties further stipulate that, in the event any of Plaintiff's state law claims in the First Amended Complaint, specifically Retaliation under Ohio Revised Code 4112 and Race Discrimination under Ohio Revised Code 4112 ("State Law Claims"), are deemed to be governed by a two-year statute of limitations, Defendants waive any defense based on such statute of limitations, provided Plaintiff re-files any such claims within one year of the filing of this Stipulated Notice of Dismissal. In the event any of Plaintiff's State Law Claims are deemed to be not governed by a two-year statute of limitations, the applicable date for the re-filing of such claim will be governed by Ohio's Savings Statue, Ohio Revised Code § 2305.19. Thus, if any of Plaintiff's State Law Claims are governed by a statute of limitations of one year or less, Plaintiff must re-file such claim(s) within one

year of the date of the filing of this Stipulated Notice. If any of her State Law Claims are governed by a statute of limitations greater than two years, she must re-file by whichever date such claim otherwise would be required to be filed.

IT IS SO ORDERED.

S/CHRISTOPHER A. BOYKO  
U.S. DISTRICT COURT JUDGE

02/3/2010

Respectfully submitted,

LICATA & TOEREK

/s/ David J. Kovach

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